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OCT 19 2011

OFFICE OF PETITIONS

In re Patent No. 6,280,804
Issue Date: August 28, 2001
Application No. 09/353,831
Filed: July 15, 1999
Attorney Docket No. AIF32886

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ON PETITION

This is a decision on the petition under 37 CFR 1.378(c), filed September 22, 2011, to accept the delayed payment of a maintenance fee for the above-identified patent.

The petition is **DISMISSED as time barred**.

If reconsideration of this decision is desired, a petition for reconsideration under 37 CFR 1.378(e) must be filed within TWO (2) MONTHS from the mail date of this decision. No extension of this two-month time limit can be granted under 37 CFR 1.136(a) or (b). This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

Any petition for reconsideration of this decision must be accompanied by the petition fee of \$400 as set forth in 37 CFR 1.17(f). The petition for reconsideration must include the lacking item(s) noted above, since, after a decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Commissioner.

35 USC 41(c)(1) states that:

“The Commissioner may accept the payment of any maintenance fee required by subsection (b) of this section which is made within twenty-four months after the six-month grace period if the delay is shown to the satisfaction of the Commissioner to have been unintentional, or at any time after the six-month grace period if the delay is shown to the satisfaction of the Commissioner to have been unavoidable.”

This patent expired on August 29, 2009, for failure to pay the seven and one-half year maintenance fee. Since this petition was not submitted within twenty-four months after the six-month grace-period provided in 37 CFR 1.362(e), the petition was not timely filed under the provisions of 37 CFR 1.378(c).

If this petition is not renewed or if renewed and not granted, then petitioner may request a refund of the maintenance and surcharge fees paid. The fee for requesting reconsideration is not refundable.

Petitioner may consider filing a petition under 37 CFR 1.378(b), a Petition to Accept Unavoidably Delayed Payment of Maintenance Fee in an Expired Patent, surcharge and maintenance fees paid can be applied toward this petition.

The application file does not indicate a change of address has been filed in this case, although the address given on the petition differs from the address of record. A change of address should be filed in this case in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address noted on the petition. However, until otherwise instructed, all future correspondence regarding this application will be mailed solely to the address of record.

Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION
 Commissioner for Patents
 Post Office Box 1450
 Alexandria, VA 22313-1450

By hand: U. S. Patent and Trademark Office
 Customer Service Window, Mail Stop Petitions
 Randolph Building
 401 Dulany Street
 Alexandria, VA 22314

The centralized facsimile number is **(571) 273-8300**.

Telephone inquiries should be directed to the Kimberly Inabinet at (571) 272-4618.

/Kimberly Inabinet/
Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Michael D. Akridge
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